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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
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11 KRISTAL SCHERER,

12 Plaintiff,

13 vs.

14 EDDIE BAUER, INC.,

15 Defendant.


CASE NO. 07cv2270 JM(AJB)

ORDER DENYING MOTION TO  
DISMISS AS MOOT

16 In light of the January 23, 2008 filing of the first amended complaint, Plaintiff's motion to  
17 dismiss, presently calendared for February 8, 2008, is denied as moot.

18 **IT IS SO ORDERED.**

19 DATED: February 6, 2008

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21 Hon. Jeffrey T. Miller  
United States District Judge

22 cc: All parties  
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